

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Filed: \_\_\_\_\_

INDEX NO. \_\_\_\_\_

WILLIAM TORRES and ANTHONY TORRES,  
Plaintiff,

Plaintiff designates Kings  
County as the place of trial.

-against-

**S U M M O N S**

THE CITY OF NEW YORK, and the NEW YORK CITY POLICE  
DEPARTMENT,

The basis of venue is  
The county in which the  
cause of action arose

Defendants.

**To the above named Defendants:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service of this summons, or within 30 days after service of this summons is complete if this summons is not personally delivered to you within the State of New York.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: New York, New York  
November 12, 2014

  
\_\_\_\_\_  
**LANGSAM LAW LLP**  
Attorneys for Plaintiff  
217 Broadway, Suite 606  
New York, New York 10007  
(212) 742-2700

THE CITY OF NEW YORK  
c/o Secy of State  
100 Church Street  
New York, New York 10007

NEW YORK CITY POLICE DEPARTMENT  
c/o Secy of State  
1 Police Plaza  
New York, New York 10038

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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WILLIAM TORRES and ANTHONY TORRES,  
Plaintiff,

-against-

THE CITY OF NEW YORK, and the NEW YORK CITY POLICE  
DEPARTMENT,  
Defendants.

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INDEX NO.

**VERIFIED COMPLAINT**

Plaintiff, by its attorneys, LANGSAM LAW LLP, as and for its Verified Complaint,  
respectfully alleges, upon information and belief:

1. The plaintiffs WILLIAM TORRES ANTHONY TORRES, at all times herein mentioned was and still is a resident of the County of Kings and the State of New York.
2. At all times herein mentioned, defendant THE CITY OF NEW YORK, was and still is a municipal corporation, created, organized and existing under and by virtue of the laws of the State of New York.
3. Prior to the commencement of this action, and within ninety days (90) of May 27, 2014, a notice of claim in writing was served on behalf of WILLIAM TORRES and ANTHONY TORRES, upon THE CITY OF NEW YORK on July 9, 2014, in accordance with Section 50-e of the General Municipal Law.
4. On May 27, 2014, prior to the commencement of this action, notice of the intention of WILLIAM TORRES and ANTHONY TORRES to commence an action, unless the claim presented was adjusted within the prescribed time as set forth by applicable law to adjust such claims, was served on behalf of WILLIAM TORRES and ANTHONY TORRES upon THE CITY OF NEW YORK.
5. Although more than thirty (30) days have elapsed since service of such notice of claim, THE CITY OF NEW YORK neglected and has refused to pay said claim or adjust same.



6. A hearing pursuant to General Municipal Law 50-h was held on September 11, 2014.

7. This action is commenced within one (1) year and ninety (90) days from May 27, 2014, the date the incident as herein set forth occurred.

8. At all times herein mentioned, defendant, NEW YORK CITY POLICE DEPARTMENT, is a governmental agency/department within the CITY OF NEW YORK.

9. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT were responsible for the hiring of police officers.

10. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had the duty to investigate the background and qualifications of prospective employees, and particularly candidates for the position of police officer.

11. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had the duty to ensure that the selected candidates for police officer were qualified and fit for the position.

12. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had the duty to investigate the background and qualifications of the police officers involved in the subject incident.

13. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had the duty to ensure that the police officers involved in the subject incident were qualified and fit to be police officers.

14. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT were responsible for the training and the supervision of the conduct and actions of its police officers, including the police officers involved in the subject incident.

15. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had the duty and responsibility to supervise the conduct and actions of its police officers, including the police officers involved in the subject incident.

16. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had the duty and responsibility to enforce the rules and regulations of the defendants, the State of New York and the United States.

17. At all times relevant, defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, had the duty and responsibility to ensure that its police officers obeyed the rules and regulations of the defendants, the State of New York and the United States.

18. The acts of the police officers involved in the subject incident hereinafter and heretofore alleged, were done by said police officers under the color and pretense of the statutes, ordinances, regulations, customs, and usages of Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, the State of New York and the United States.

19. On May 27, 2014, at approximately 5:30 – 6:00 A.M., WILLIAM TORRES and ANTHONY TORRES, who were lawfully sleeping in their residence located at 588 Park Avenue, Apt#3D, Brooklyn, New York Apt 11206, when plaintiffs were assaulted and falsely arrested by Police Officers from the 84th Precinct and brought claimants to the 84th Precinct in Brooklyn, where plaintiffs were held for approximately hours, resulting in their imprisonment in the 84th Precinct until their release.

20. On May 27, 2014, with no reason and/or justification, the defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, its agents, servants and/or employees were negligent, careless and reckless in their treatment of WILLIAM TORRES and ANTHONY TORRES, in assaulting and battering WILLIAM TORRES and ANTHONY TORRES, in inflicting physical and psychological injuries upon WILLIAM TORRES and ANTHONY TORRES, in negligently restraining and injuring WILLIAM TORRES and ANTHONY TORRES, and in falsely arresting and falsely imprisoning WILLIAM TORRES and ANTHONY TORRES.

21. As a result, WILLIAM TORRES and ANTHONY TORRES were caused to sustain



serious and permanent physical and psychological injuries, the extent of which are not presently known but including and not limited to severe anxiety, concern about possible further complications, depression, humiliation, self-consciousness, feelings of helplessness, frustration, feelings of hopelessness, feelings of victimization and vulnerability, flashbacks, fear, anger, desperation, distraction, decreased concentration, exasperation, sadness, melancholy, feelings of invalidism, social inhibition and psychic trauma, bruises and contusions.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF WILLIAM TORRES**

10. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

11. At the aforesaid time and place, defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT's police officers, assaulted WILLIAM TORRES.

12. At the aforesaid time and place, defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT'S police officers, assaulted WILLIAM TORRES without justification.

13. At the aforesaid time and place, defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT'S police officers, assaulted WILLIAM TORRES without reasonable cause for them to believe that they were in danger.

14. At the aforesaid time and place, decedent, WILLIAM TORRES was the victim of negligence on the part of the defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, their agents, servants, officers, and/or employees which consisted of, among other things: improperly, carelessly and recklessly assaulting WILLIAM TORRES, carelessly and negligently making physical contact with WILLIAM TORRES, and their and/or its exercise of their and/or its authority and power, and/or in hiring, and/or in training, and/or retaining defendants' police officers, and in failing to discharge defendants' police officers, and in violating WILLIAM TORRES's civil rights.

15. At the aforementioned time and place, said defendants, their agents, servants, officers, and/or employees negligently, carelessly, and recklessly performed their police duties in that they failed to use such care as a reasonably prudent and careful police officer would have used under similar circumstances; in that they carelessly, recklessly, and without provocation, negligently used excessive force so as to cause WILLIAM TORRES to sustain severe and permanent injuries.

16. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

17. By reason of the foregoing, plaintiff, WILLIAM TORRES, demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF WILLIAM TORRES**

18. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

19. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT's acts were intended to make contact with plaintiff.

20. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT made contact with Plaintiff.

21. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT battered plaintiff.

22. As a result of defendants' battery upon plaintiff, plaintiff was seriously and permanently injured.

23. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

24. Due to defendants' battery of the plaintiff, plaintiff WILLIAM TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise



have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF WILLIAM TORRES**

25. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

26. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT arrested plaintiff without justification.

27. As a result of defendants' false arrest of plaintiff, plaintiff was seriously and permanently injured.

28. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

29. Due to defendants' false arrest of the plaintiff, plaintiff WILLIAM TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF WILLIAM TORRES**

30. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

31. The defendants intentionally confined WILLIAM TORRES and/or restricted WILLIAM TORRES's freedom of movement.

32. WILLIAM TORRES was conscious of said confinement and/or restriction.

33. WILLIAM TORRES did not consent to said confinement and/or restriction.

34. The confinement and/or restriction was not otherwise privileged.

35. Due to defendants' false arrest and imprisonment of WILLIAM TORRES, plaintiff WILLIAM TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF WILLIAM TORRES**

36. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

37. At all times herein mentioned, the Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, negligently, carelessly and recklessly came into harmful contact with the person of WILLIAM TORRES.

38. As a result of defendants' negligence, plaintiff was seriously and permanently injured.

39. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

40. Due to defendants' negligence, plaintiff WILLIAM TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF WILLIAM TORRES**

41. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

42. Defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, had prior notice of the propensities of defendants' police officers to use excessive force.

43. Defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had prior notice of the propensity of its police officers to abuse their authority, to use excessive force, and/or to exhibit violent behavior.

44. Defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, despite having knowledge of the propensities of defendants' police officers, took no steps to train defendants' employees, or to correct their abuse of authority or to discourage



their unlawful use of authority, or to stop their use of excessive force, and/or to curb their violent behavior.

45. The failure of the defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, to properly train defendants' police officers, included, *inter alia*, the failure to instruct them in the applicable provisions of the City and State enforcement laws, the laws of the United States, and the applicable provisions of the rules and regulations of the NEW YORK CITY POLICE DEPARTMENT, with respect to the proper and prudent use of force.

46. Said defendants authorized and tolerated as institutionalized practices, and ratified the misconduct hereinbefore detailed by, *inter alia*:

a) Failing to properly discipline, restrict, and control employees, including the police officers known to be irresponsible in their dealings with civilians;

b) Failing to take adequate precautions in the hiring, promotion, and retention of police officers, including specifically, the police officers responsible for shooting the decedent;

c) Failing to establish and/or assure the functioning of a bona fide and meaningful departmental system for dealing with police officer misconduct.

47. As a consequence of the abuse of authority, detailed above, the plaintiff sustained the damages hereinbefore alleged, and plaintiff hereby makes claim for punitive damages for the acts complained of.

48. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

49. By reason of the foregoing, plaintiff WILLIAM TORRES demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR A SEVENTH CAUSE OF ACTION ON BEHALF OF WILLIAM  
TORRES**

50. Plaintiff WILLIAM TORRES repeats, reiterates and realleges each and every allegation contained in this Complaint as if fully set forth here in at length.

51. On and prior to the 27th day of May, 2014, defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT employed police officers assigned, *inter alia*, to the 25th Precinct.

52. Defendants' police officers, involved in the incident heretofore mentioned, were unqualified, unfit and incompetent to perform the duties and responsibilities required in their capacity as police officers with the NEW YORK CITY POLICE DEPARTMENT.

53. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT knew or should have known in the exercise of reasonable care that these police officers were unqualified, unfit and incompetent to properly and safely perform the duties and responsibilities of a police officer.

54. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT knew or should have known in the exercise of reasonable care that a person in plaintiff's position would be subjected to an unreasonable risk of harm from defendants' police officers.

55. At all of the relevant times, defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT breached the duty they owed to the decedent to use reasonable care in hiring their employees by failing to conduct a reasonable investigation into the background, education, training and character of its police officers, before they are hired, and before the events of the 27th day of May, 2014.

56. Had THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT performed a reasonable investigation into the background, education, training and character of the police officers, they would have discovered that they were unfit, unqualified and incompetent to perform the duties, and to carry out the responsibilities of a NEW YORK CITY police officer.



57. As a result of the foregoing, WILLIAM TORRES was severely and permanently injured.

58. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

59. By reason of the foregoing, plaintiff WILLIAM TORRES demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR AN EIGHTH CAUSE OF ACTION ON BEHALF OF WILLIAM  
TORRES**

60. Plaintiff repeats, reiterates, and realleges each and every allegation of this Complaint as if more fully set forth herein at length.

61. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, their agents, servants, officers and employees negligently, carelessly and recklessly failed to properly train and/or supervise their employees, and particularly, the police officers involved in this incident, and particularly, in proper police policies and procedures, laws, rules and regulations applicable to situations as the one which occurred on the 27th day of May, 2014, as hereinbefore set forth, and in the appropriate police procedures, rules regulations and laws pertaining to the use of force.

62. As a result of the foregoing, WILLIAM TORRES suffered severe and permanent personal injuries that caused him great physical pain and mental anguish.

63. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

64. By reason of the foregoing, plaintiff, WILLIAM TORRES demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action.

**AS AND FOR A NINTH CAUSE OF ACTION ON BEHALF OF WILLIAM  
TORRES**

65. Plaintiff repeats, reiterates, and realleges each and every allegation of this Complaint as if more fully set forth herein at length.

66. The aforementioned assault and battery committed by the defendants, their agents, servants, officers, and/or employees, was the consequence of their use of excessive force in violation of WILLIAM TORRES's federal and state constitutional and civil rights.

67. The defendants, their agents, servants, officers, deputies, and/or employees acted with deliberate indifference to the plaintiff's civil and constitutional rights.

68. The defendants, their agents, servants, officers, and/or employees acted under color of the authority of law as police officers and officials of the NEW YORK CITY POLICE DEPARTMENT.

69. The force used by the defendants, their agents, servants, officers, and/or employees was unreasonable in light of the circumstances of the assault and battery and thereby violated the rights of WILLIAM TORRES, guaranteed by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of The United States of America.

70. The force used by the defendants, their agents, servants, officers, and/or employees was unreasonable in light of the circumstances of the assault and battery and thereby violated the rights of WILLIAM TORRES guaranteed by New York Civil Rights Law § 40-c.

71. The assault and battery on WILLIAM TORRES was unconstitutional as the defendants, their agents, servants, officers, and/or employees did not have to injure him, as he was not a threat to them or to the public order, and their acts were done in bad faith, maliciously and sadistically to cause harm.

72. The conduct of the defendants, their agents, servants, officers, and/or employees was excessive, unnecessary, unwarranted, unjustified, without cause, willful, wanton, malicious,



intentional and with clear intent to deprive WILLIAM TORRES, of his rights, privileges and immunities secured to him under the Constitution of the United States of America, which provides for the equal rights of citizens of the United States, and which rights, privileges and immunities are guaranteed by the Due Process Clauses of the Constitution of the United States of America and Title 42, United States Code, Section 1983, justifying the imposition of punitive damages.

73. The defendants, their agents, servants, officers, and/or employees severely assaulted and battered WILLIAM TORRES, resulting in severe and permanent injuries and deprived him of his rights and liberties as set forth in the Constitution of the United States of America, and of the State of New York, in that they assaulted and battered WILLIAM TORRES without any conduct on the part of the plaintiff to so warrant, to wit:

(a) In that all of the actions of the defendants, their agents, servants, officers, and/or employees were committed with the intention to cause bodily and mental injury to the plaintiff;

(b) In that the defendants, their agents, servants, officers, and/or employees caused an assault and battery when they, in a hostile and/or offensive manner threatened and caused serious injury to the plaintiff without his consent and with the intention of causing harmful and/or offensive bodily contact to the plaintiff, all without warrant, probable cause or any lawful cause whatsoever;

(c) In that the defendants, their agents, servants, officers, and/or employees failed to adequately, sufficiently and/or properly hire, retain, train, retrain, supervise, discipline, or in any other way control the behavior and performance of its agents, servants, officers, and/or employees, and particularly the police officers involved in this incident, and in their hiring practices in the exercise of their police functions and their failure to enforce the laws of the State of New York and the United States of America is evidence of the reckless lack of caution with regard for the rights of citizens of the State of New York, and the United States of America including WILLIAM

TORRES and exhibited a lack of that degree of due care which prudent and reasonable individuals would show in executing the duties of the defendants.

(d) In the failure of the defendants, their agents, servants, officers, and/or employees to hire, train, supervise, discipline or in any other way control the defendants, and particularly, the police officers involved in this incident, in the exercise of their functions and their failure to enforce the laws of the State of New York, which was carried out willfully, wantonly, maliciously and with such reckless disregard for the citizens of the State of New York, including WILLIAM TORRES;

(e) Due to the acts of the defendants, their agents, servants, officers, and/or employees, including the failure to discipline, train and properly hire, and particularly the hiring of defendants' police officers involved in this incident, and the continued employment of the defendants, their agents, servants, officers, and/or employees, and particularly the police officers involved in this incident, these defendants presents a clear and present danger to the citizens of the State of New York.

(f) In that the defendants, their agents, servants, officers, and/or employees permitted the use of a policy and/or drafted a policy that was violative of the constitutional rights of WILLIAM TORRES; and in that each and all of the acts of the defendants, their agents, servants, officers, and/or employees alleged herein were done not as individuals but under the color and pretense of the statutes, ordinances, regulations, customs and usages of THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, and under the authority of their office as police officers and officials of THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT.

74. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, and the police officers involved in this incident, who are agents, servants and/or employees of defendants, acting under color of law, subjected WILLIAM TORRES and other



persons, to a pattern of conduct consisting of assault, battery and intentional infliction of emotional distress, in denial of rights, privileges and immunities guaranteed WILLIAM TORRES and other citizens by the Constitution of the United States of America and the State of New York.

75. Although defendants, their agents, servants, officers, and/or employees knew or should have known of the fact that this pattern of conduct was carried out by their agents, servants, officers, and/or employees, the defendants have not taken any steps or made any effort to halt this course of conduct, to make redress to the plaintiff, or other citizens injured thereby, or to take the proper disciplinary action against any of their employees, agents, servants, officers and particularly against the police officers involved in this incident.

76. The unlawful and illegal conduct of the defendants, their agents, servants, officers, and/or employees and each of them, deprived WILLIAM TORRES of the rights, privileges and immunities secured to him by the Constitution of the United States of America, and of the State of New York, more specifically, the liberty in being free from bodily injury.

77. The conduct aforementioned committed by the defendants, their agents, servants, officers, and/or employees is of the type that shocks the conscience and entitles plaintiff WILLIAM TORRES to an award of punitive damages.

78. As a direct and proximate cause of the aforementioned actions, plaintiff WILLIAM TORRES suffered severe and permanent injuries.

79. Pursuant to 42 U.S.C. § 1983, plaintiff WILLIAM TORRES seeks an award of attorneys' fees and costs incurred in bringing this action.

80. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

81. By reason of the foregoing, plaintiff, WILLIAM TORRES, demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR AN TENTH CAUSE OF ACTION ON BEHALF OF WILLIAM  
TORRES**

82. Plaintiff repeats, reiterates and realleges each and every allegation of this Complaint as if fully set forth here at length.

83. On the 27th day of May, 2014, plaintiff WILLIAM TORRES was the victim of the tortuous conduct inflicted by defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT's police officers, whose tortuous conduct consisted of assault, battery, excessive use of force and unjustified use of force, negligence, violation of plaintiff's Civil Rights, and carelessly and improperly exercising their authority and power,

84. At the aforesaid time and place and at all times relevant, police officers committed the aforementioned tortuous acts that injured WILLIAM TORRES, as agents, servants, officers, and/or employees of the defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT.

85. As a result of the aforementioned conduct and actions of the defendants, plaintiff WILLIAM TORRES sustained severe and permanent injuries.

86. At the aforementioned time and place, the police officers, were acting within the scope of their employment and duties of their employer, defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT.

87. The aforementioned tortuous conduct committed by defendants was so egregious and oppressive and characterized by malice or wantonness that the imposition of punitive damages is justified.

88. Upon the foregoing, plaintiff WILLIAM TORRES, demands judgment against the defendants for his personal injuries, together with punitive damages for the egregious tortuous conduct of the defendants, and further, punitive damages because defendants, their agents, servants, officers and/or employees were reckless and/or wanton in hiring and/or retaining the



police officers, who committed the torts after knowledge of their proclivities to engage in such conduct.

89. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

90. By reason of the foregoing, plaintiff WILLIAM TORRES, demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF ANTHONY  
TORRES**

91. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

92. At the aforesaid time and place, defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT's police officers, assaulted ANTHONY TORRES.

93. At the aforesaid time and place, defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT'S police officers, assaulted ANTHONY TORRES without justification.

94. At the aforesaid time and place, defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT'S police officers, assaulted ANTHONY TORRES without reasonable cause for them to believe that they were in danger.

95. At the aforesaid time and place, decedent, ANTHONY TORRES was the victim of negligence on the part of the defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, their agents, servants, officers, and/or employees which consisted of, among other things: improperly, carelessly and recklessly assaulting ANTHONY TORRES, carelessly and negligently making physical contact with ANTHONY TORRES, and their and/or its exercise of their and/or its authority and power, and/or in hiring, and/or in training, and/or retaining

defendants' police officers, and in failing to discharge defendants' police officers, and in violating ANTHONY TORRES's civil rights.

96. At the aforementioned time and place, said defendants, their agents, servants, officers, and/or employees negligently, carelessly, and recklessly performed their police duties in that they failed to use such care as a reasonably prudent and careful police officer would have used under similar circumstances; in that they carelessly, recklessly, and without provocation, negligently used excessive force so as to cause ANTHONY TORRES to sustain severe and permanent injuries.

97. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

98. By reason of the foregoing, plaintiff, ANTHONY TORRES, demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF ANTHONY TORRES**

99. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

100. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT's acts were intended to make contact with plaintiff.

101. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT made contact with Plaintiff.

102. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT battered plaintiff.

103. As a result of defendants' battery upon plaintiff, plaintiff was seriously and permanently injured.

104. This action falls within one or more of the exceptions set forth in Section 1602 of the



Civil Practice Law and Rules.

105. Due to defendants' battery of the plaintiff, plaintiff ANTHONY TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF ANTHONY TORRES**

106. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

107. Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT arrested plaintiff without justification.

108. As a result of defendants' false arrest of plaintiff, plaintiff was seriously and permanently injured.

109. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

110. Due to defendants' false arrest of the plaintiff, plaintiff ANTHONY TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF ANTHONY TORRES**

111. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

112. The defendants intentionally confined ANTHONY TORRES and/or restricted ANTHONY TORRES's freedom of movement.

113. ANTHONY TORRES was conscious of said confinement and/or restriction.

114. ANTHONY TORRES did not consent to said confinement and/or restriction.

115. The confinement and/or restriction was not otherwise privileged.

116. Due to defendants' false arrest and imprisonment of ANTHONY TORRES,

plaintiff ANTHONY TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF ANTHONY TORRES**

117. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

118. At all times herein mentioned, the Defendants CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, negligently, carelessly and recklessly came into harmful contact with the person of ANTHONY TORRES.

119. As a result of defendants' negligence, plaintiff was seriously and permanently injured.

120. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

121. Due to defendants' negligence, plaintiff ANTHONY TORRES is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF ANTHONY TORRES**

122. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs of the Complaint as if fully set forth at length herein.

123. Defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, had prior notice of the propensities of defendants' police officers to use excessive force.

124. Defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT had prior notice of the propensity of its police officers to abuse their authority, to use excessive force, and/or to exhibit violent behavior.



125. Defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, despite having knowledge of the propensities of defendants' police officers, took no steps to train defendants' employees, or to correct their abuse of authority or to discourage their unlawful use of authority, or to stop their use of excessive force, and/or to curb their violent behavior.

126. The failure of the defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, to properly train defendants' police officers, included, *inter alia*, the failure to instruct them in the applicable provisions of the City and State enforcement laws, the laws of the United States, and the applicable provisions of the rules and regulations of the NEW YORK CITY POLICE DEPARTMENT, with respect to the proper and prudent use of force.

127. Said defendants authorized and tolerated as institutionalized practices, and ratified the misconduct hereinbefore detailed by, *inter alia*:

- a) Failing to properly discipline, restrict, and control employees, including the police officers known to be irresponsible in their dealings with civilians;

- b) Failing to take adequate precautions in the hiring, promotion, and retention of police officers, including specifically, the police officers responsible for shooting the decedent;

- c) Failing to establish and/or assure the functioning of a bona fide and meaningful departmental system for dealing with police officer misconduct.

128. As a consequence of the abuse of authority, detailed above, the plaintiff sustained the damages hereinbefore alleged, and plaintiff hereby makes claim for punitive damages for the acts complained of.

129. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

130. By reason of the foregoing, plaintiff ANTHONY TORRES demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR A SEVENTH CAUSE OF ACTION ON BEHALF OF ANTHONY  
TORRES**

131. Plaintiff ANTHONY TORRES repeats, reiterates and realleges each and every allegation contained in this Complaint as if fully set forth here in at length.

132. On and prior to the 27th day of May, 2014, defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT employed police officers assigned, *inter alia*, to the 25th Precinct.

133. Defendants' police officers, involved in the incident heretofore mentioned, were unqualified, unfit and incompetent to perform the duties and responsibilities required in their capacity as police officers with the NEW YORK CITY POLICE DEPARTMENT.

134. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT knew or should have known in the exercise of reasonable care that these police officers were unqualified, unfit and incompetent to properly and safely perform the duties and responsibilities of a police officer.

135. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT knew or should have known in the exercise of reasonable care that a person in plaintiff's position would be subjected to an unreasonable risk of harm from defendants' police officers.

136. At all of the relevant times, defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT breached the duty they owed to the decedent to use reasonable care in hiring their employees by failing to conduct a reasonable investigation into the



background, education, training and character of its police officers, before they are hired, and before the events of the 27th day of May, 2014.

137. Had THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT performed a reasonable investigation into the background, education, training and character of the police officers, they would have discovered that they were unfit, unqualified and incompetent to perform the duties, and to carry out the responsibilities of a NEW YORK CITY police officer.

138. As a result of the foregoing, ANTHONY TORRES was severely and permanently injured.

139. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

140. By reason of the foregoing, plaintiff ANTHONY TORRES demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR AN EIGHTH CAUSE OF ACTION ON BEHALF OF ANTHONY  
TORRES**

141. Plaintiff repeats, reiterates, and realleges each and every allegation of this Complaint as if more fully set forth herein at length.

142. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, their agents, servants, officers and employees negligently, carelessly and recklessly failed to properly train and/or supervise their employees, and particularly, the police officers involved in this incident, and particularly, in proper police policies and procedures, laws, rules and regulations applicable to situations as the one which occurred on the 27th day of May, 2014, as hereinbefore set forth, and in the appropriate police procedures, rules regulations and laws pertaining to the use of force.

143. As a result of the foregoing, ANTHONY TORRES suffered severe and permanent personal injuries that caused him great physical pain and mental anguish.

144. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

145. By reason of the foregoing, plaintiff, ANTHONY TORRES demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action.

**AS AND FOR A NINTH CAUSE OF ACTION ON BEHALF OF ANTHONY  
TORRES**

146. Plaintiff repeats, reiterates, and realleges each and every allegation of this Complaint as if more fully set forth herein at length.

147. The aforementioned assault and battery committed by the defendants, their agents, servants, officers, and/or employees, was the consequence of their use of excessive force in violation of ANTHONY TORRES's federal and state constitutional and civil rights.

148. The defendants, their agents, servants, officers, deputies, and/or employees acted with deliberate indifference to the plaintiff's civil and constitutional rights.

149. The defendants, their agents, servants, officers, and/or employees acted under color of the authority of law as police officers and officials of the NEW YORK CITY POLICE DEPARTMENT.

150. The force used by the defendants, their agents, servants, officers, and/or employees was unreasonable in light of the circumstances of the assault and battery and thereby violated the rights of ANTHONY TORRES, guaranteed by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of The United States of America.



151. The force used by the defendants, their agents, servants, officers, and/or employees was unreasonable in light of the circumstances of the assault and battery and thereby violated the rights of ANTHONY TORRES guaranteed by New York Civil Rights Law § 40-c.

152. The assault and battery on ANTHONY TORRES was unconstitutional as the defendants, their agents, servants, officers, and/or employees did not have to injure him, as he was not a threat to them or to the public order, and their acts were done in bad faith, maliciously and sadistically to cause harm.

153. The conduct of the defendants, their agents, servants, officers, and/or employees was excessive, unnecessary, unwarranted, unjustified, without cause, willful, wanton, malicious, intentional and with clear intent to deprive ANTHONY TORRES, of his rights, privileges and immunities secured to him under the Constitution of the United States of America, which provides for the equal rights of citizens of the United States, and which rights, privileges and immunities are guaranteed by the Due Process Clauses of the Constitution of the United States of America and Title 42, United States Code, Section 1983, justifying the imposition of punitive damages.

154. The defendants, their agents, servants, officers, and/or employees severely assaulted and battered ANTHONY TORRES, resulting in severe and permanent injuries and deprived him of his rights and liberties as set forth in the Constitution of the United States of America, and of the State of New York, in that they assaulted and battered ANTHONY TORRES without any conduct on the part of the plaintiff to so warrant, to wit:

(a) In that all of the actions of the defendants, their agents, servants, officers, and/or employees were committed with the intention to cause bodily and mental injury to the plaintiff;

(b) In that the defendants, their agents, servants, officers, and/or employees caused an assault and battery when they, in a hostile and/or offensive manner threatened and caused serious injury to the plaintiff without his consent and with the intention of causing harmful and/or

offensive bodily contact to the plaintiff, all without warrant, probable cause or any lawful cause whatsoever;

(c) In that the defendants, their agents, servants, officers, and/or employees failed to adequately, sufficiently and/or properly hire, retain, train, retrain, supervise, discipline, or in any other way control the behavior and performance of its agents, servants, officers, and/or employees, and particularly the police officers involved in this incident, and in their hiring practices in the exercise of their police functions and their failure to enforce the laws of the State of New York and the United States of America is evidence of the reckless lack of caution with regard for the rights of citizens of the State of New York, and the United States of America including ANTHONY TORRES and exhibited a lack of that degree of due care which prudent and reasonable individuals would show in executing the duties of the defendants.

(d) In the failure of the defendants, their agents, servants, officers, and/or employees to hire, train, supervise, discipline or in any other way control the defendants, and particularly, the police officers involved in this incident, in the exercise of their functions and their failure to enforce the laws of the State of New York, which was carried out willfully, wantonly, maliciously and with such reckless disregard for the citizens of the State of New York, including ANTHONY TORRES;

(e) Due to the acts of the defendants, their agents, servants, officers, and/or employees, including the failure to discipline, train and properly hire, and particularly the hiring of defendants' police officers involved in this incident, and the continued employment of the defendants, their agents, servants, officers, and/or employees, and particularly the police officers involved in this incident, these defendants presents a clear and present danger to the citizens of the State of New York.

(f) In that the defendants, their agents, servants, officers, and/or employees permitted the use of a policy and/or drafted a policy that was violative of the constitutional rights



of ANTHONY TORRES; and in that each and all of the acts of the defendants, their agents, servants, officers, and/or employees alleged herein were done not as individuals but under the color and pretense of the statutes, ordinances, regulations, customs and usages of THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, and under the authority of their office as police officers and officials of THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT.

155. Defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT, and the police officers involved in this incident, who are agents, servants and/or employees of defendants, acting under color of law, subjected ANTHONY TORRES and other persons, to a pattern of conduct consisting of assault, battery and intentional infliction of emotional distress, in denial of rights, privileges and immunities guaranteed ANTHONY TORRES and other citizens by the Constitution of the United States of America and the State of New York.

156. Although defendants, their agents, servants, officers, and/or employees knew or should have known of the fact that this pattern of conduct was carried out by their agents, servants, officers, and/or employees, the defendants have not taken any steps or made any effort to halt this course of conduct, to make redress to the plaintiff, or other citizens injured thereby, or to take the proper disciplinary action against any of their employees, agents, servants, officers and particularly against the police officers involved in this incident.

157. The unlawful and illegal conduct of the defendants, their agents, servants, officers, and/or employees and each of them, deprived ANTHONY TORRES of the rights, privileges and immunities secured to him by the Constitution of the United States of America, and of the State of New York, more specifically, the liberty in being free from bodily injury.

158. The conduct aforementioned committed by the defendants, their agents, servants, officers, and/or employees is of the type that shocks the conscience and entitles plaintiff ANTHONY TORRES to an award of punitive damages.

159. As a direct and proximate cause of the aforementioned actions, plaintiff ANTHONY TORRES suffered severe and permanent injuries.

160. Pursuant to 42 U.S.C. § 1983, plaintiff ANTHONY TORRES seeks an award of attorneys' fees and costs incurred in bringing this action.

161. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

162. By reason of the foregoing, plaintiff, ANTHONY TORRES, demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**AS AND FOR AN TENTH CAUSE OF ACTION ON BEHALF OF ANTHONY  
TORRES**

163. Plaintiff repeats, reiterates and realleges each and every allegation of this Complaint as if fully set forth here at length.

164. On the 27th day of May, 2014, plaintiff ANTHONY TORRES was the victim of the tortuous conduct inflicted by defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT's police officers, whose tortuous conduct consisted of assault, battery, excessive use of force and unjustified use of force, negligence, violation of plaintiff's Civil Rights, and carelessly and improperly exercising their authority and power,

165. At the aforesaid time and place and at all times relevant, police officers committed the aforementioned tortuous acts that injured ANTHONY TORRES, as agents, servants, officers, and/or employees of the defendants, THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT.

166. As a result of the aforementioned conduct and actions of the defendants, plaintiff ANTHONY TORRES sustained severe and permanent injuries.



167. At the aforementioned time and place, the police officers, were acting within the scope of their employment and duties of their employer, defendants THE CITY OF NEW YORK and NEW YORK CITY POLICE DEPARTMENT.

168. The aforementioned tortuous conduct committed by defendants was so egregious and oppressive and characterized by malice or wantonness that the imposition of punitive damages is justified.

169. Upon the foregoing, plaintiff ANTHONY TORRES, demands judgment against the defendants for his personal injuries, together with punitive damages for the egregious tortuous conduct of the defendants, and further, punitive damages because defendants, their agents, servants, officers and/or employees were reckless and/or wanton in hiring and/or retaining the police officers, who committed the torts after knowledge of their proclivities to engage in such conduct.

170. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

171. By reason of the foregoing, plaintiff ANTHONY TORRES, demands judgment against the defendants in an amount in excess of the jurisdictional limitations of all Courts that would otherwise have jurisdiction of the action, together with punitive damages.

**WHEREFORE**, the plaintiff demands:

a. judgment awarding damages on the first cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

b. judgment awarding damages on the second cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

c. judgment awarding damages on the third cause of action on behalf of WILLIAM

TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

d. judgment awarding damages on the fourth cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

e. judgment awarding damages on the fifth cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

f. judgment awarding damages on the sixth cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

g. judgment awarding damages on the seventh cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

h. judgment awarding damages on the eighth cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

i. judgment awarding damages on the ninth cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

j. judgment awarding damages on the tenth cause of action on behalf of WILLIAM TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

k. judgment awarding damages on the first cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which



would otherwise have jurisdiction;

l. judgment awarding damages on the second cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

m. judgment awarding damages on the third cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

n. judgment awarding damages on the fourth cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

o. judgment awarding damages on the fifth cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

p. judgment awarding damages on the sixth cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

q. judgment awarding damages on the seventh cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

r. judgment awarding damages on the eighth cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

s. judgment awarding damages on the ninth cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

t. judgment awarding damages on the tenth cause of action on behalf of ANTHONY TORRES, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction;

u. interest, the costs and disbursements of this action, together with such other and further relief as to this Court seems just and proper.

Dated: New York, New York  
November 12, 2014



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**By: Elise Hagouel Langsam**  
**LANGSAM LAW LLP**  
Attorneys for Plaintiff  
217 Broadway, Suite 606  
New York, New York 10007  
(212) 742-2700



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

---

WILLIAM TORRES and ANTHONY TORRES,  
Plaintiff,

-against-

THE CITY OF NEW YORK, and the NEW YORK CITY POLICE  
DEPARTMENT,  
Defendants.

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INDEX NO.

**AFFIRMATION OF  
ADDITIONAL SERVICE  
CPLR 3215(g)(4)**

Elise Hagouel Langsam, an attorney admitted to practice in the State of New York, affirms the following under the penalties of perjury:

1. I am a member of the law firm of LANGSAM LAW LLP, the attorneys of record for the plaintiff, and as such am thoroughly familiar with the facts and circumstances herein based upon the contents of the file maintained by this office.

PLEASE TAKE NOTICE, that copies of the attached Summons and Complaint have been served upon the Secretary of State as agent for the above referenced corporate defendant in accordance with Business Corporation Law Section 306(b) and that further notice of said service is hereby given pursuant to CPLR 3215(f)(4).

Dated: New York, New York  
November 12, 2014

  
\_\_\_\_\_  
ELISE HAGOUEL LANGSAM

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

---

WILLIAM TORRES and ANTHONY TORRES,  
Plaintiff,

-against-

THE CITY OF NEW YORK, and the NEW YORK CITY POLICE  
DEPARTMENT,  
Defendants.

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INDEX NO.

**NOTICE PURSUANT TO  
CPLR 3215(g)(4)**

PLEASE TAKE NOTICE, that copies of the attached Summons and Complaint have been served upon the Secretary of State as agent for the above referenced corporate defendant in accordance with Business Corporation Law Section 306(b) and that further notice of said service is hereby given pursuant to CPLR 3215(f)(4).

Dated: New York, New York  
November 12, 2014



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By: Elise Hagouel Langsam  
LANGSAM LAW LLP

Attorneys for Plaintiff  
217 Broadway, Suite 606  
New York, New York 10007  
(212) 742-2700



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

---

WILLIAM TORRES and ANTHONY TORRES,  
Plaintiff,

-against-

THE CITY OF NEW YORK, and the NEW YORK CITY POLICE  
DEPARTMENT,  
Defendants.

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INDEX NO.

**ATTORNEY'S  
VERIFICATION**

Elise Hagouel Langsam, an attorney duly admitted to practice law in the State of New York, makes the following affirmation under the penalty of perjury:

I am a member of the firm of LANGSAM LAW LLP, the attorneys of record for the plaintiff.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters, I believe them to be true.

This verification is made by affirmant and not by plaintiff because it is not in the County of New York, which is the County where your affirmant maintains offices.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are correspondence had with the said plaintiff, information contained in the said plaintiff's file, which is in affirmant's possession, and other pertinent data relating thereto.

Dated: New York, New York  
November 12, 2014



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ELISE HAGOUEL LANGSAM

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

INDEX NO.

WILLIAM TORRES and ANTHONY TORRES,  
Plaintiff,

-against-

THE CITY OF NEW YORK, and the NEW YORK CITY POLICE  
DEPARTMENT,

**NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING  
SUPREME COURT CASES**

PLEASE TAKE NOTICE that plaintiff(s)/petitioner(s) [defendant(s)/respondent(s)] in the case captioned above intends that this matter proceed as an electronically-filed case in the New York State Courts Electronic Filing System ("NYSCEF") in accordance with the procedures therefor, set forth in Uniform Rule 202.5-b and described below. Under that Rule, filing and service of papers by electronic means cannot be made by a party nor can electronic service be made upon a party unless that party has consented to use of the System for the case in question. Each party served with this Notice must promptly file with the court and serve on all other parties either a consent or a declination of consent to electronic filing and service through NYSCEF for this case. (See Instruction # 2 below.)

**General Information**

Electronic filing offers significant benefits for attorneys and litigants, permitting documents to be filed with the County Clerk and the court and served, between or among consenting parties, by posting the documents on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. There is no fee to use the NYSCEF System, whether for filing, service, or consultation of the electronic docket, nor is there a charge to print documents from the docket. Normal filing fees must be paid, but this can be done by credit or bank card on-line. For additional procedures and information, see Uniform Rule 202.5-b, any e-filing protocol that may have

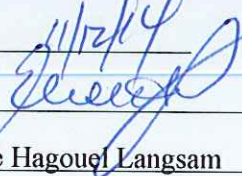


been promulgated by the court in question, and the NYSCEF Website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

### Instructions

1. Service of this Notice constitutes consent to e-filing and a statement of intent by the undersigned to use the NYSCEF System in this case. When an action or proceeding is being commenced through the NYSCEF System, this Notice must accompany service of the initiating papers.
2. Each party served with this Notice may consent to e-filing either: (i) by filing with the court and serving on all parties of record a consent to e-filing, or (ii) if an authorized e-filing user, by filing a consent electronically in the manner provided at the NYSCEF site. Parties who do not wish to consent must file and serve a written declination of consent. If one party or some but fewer than all parties consent, NYSCEF may be used by and between or among consenting parties.
3. Each participating attorney, unless already registered, or self-represented party must **PROMPTLY** create a NYSCEF account and obtain the confidential Filing User Identification Number and Password necessary to use the system. To create a NYSCEF account, go to [www.nycourts.gov/efile](http://www.nycourts.gov/efile), click the Create an Account link, and follow the instructions.
4. For additional information about NYSCEF, see the *User's Manual* and *Frequently Asked Questions* on the Website, or contact the court in question or the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov); mailing address: 60 Centre Street, New York, New York 10007).

Dated: 11/12/14



(Signature)

212-742-2700

(Phone)

Elise Hagouel Langsam

(Name)

212-742-2707

(Fax)

Langsam Law LLP

(Firm)

Langsam Law LLP

(Firm)

217 Broadway, Suite 606

(Address)

New York, NY 10007

Attorney(s) for Plaintiff(s)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Index No.

-----

WILLIAM TORRES and ANTHONY TORRES,  
Plaintiff,

-against-

THE CITY OF NEW YORK, and the NEW YORK CITY POLICE DEPARTMENT,  
Defendants.

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**SUMMONS and VERIFIED COMPLAINT**

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**LANGSAM LAW LLP**  
Attorneys for Plaintiff  
217 Broadway, Suite 606  
New York, New York 10007  
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New York, NY 10007

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[www.langsamlaw.com](http://www.langsamlaw.com)

November \_\_, 2014

United Process Service

315 Broadway

New York, NY 10007

**Re: WILLIAM TORRES and ANTHONY TORRES vs THE CITY OF NEW YORK and  
the NEW YORK CITY POLICE DEPARTMENT  
D/A: 5/27/14**

Dear Sirs:

Enclosed please find an original and two (2) copies of the Summons and Verified Complaint for each defendant. Please serve process upon all defendants at their respective addresses, and once service is completed, please file your original affidavits of service with the Clerk, and forward copies of your affidavits of service to the undersigned. Please give this matter your prompt attention.

Very truly yours,  
LANGSAM LAW LLP

*Eli Lugo*

Eli Lugo  
Paralegal

/el  
Encl.